

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Arthur Johnson Jr v Wayne Circuit Judge**
Docket No. **288093**
L.C. No. **07-021136-FH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The original complaint for habeas corpus is DISMISSED for lack of jurisdiction. Plaintiff presents this action as being brought against a Wayne Circuit Judge. However, MCR 3.303 contemplates that an action for habeas corpus to inquire into the cause of a person's detention must be brought against a person restraining a prisoner. See MCR 3.303(C)(3); MCR 3.303(D)(1)(a). Further, plaintiff has not made the required showing either that no judge in the county in which he is being detained is empowered and available to issue a writ of habeas corpus, or that the circuit court in that county has refused to issue the writ, as is required before seeking habeas corpus relief in this Court. MCR 3.303(A)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 13 2009

Date

Sandra Schultz Mengel
Chief Clerk